

## REMARKS

Please charge any required fees to have this Amendment and Response and Information Disclosure Statement entered to our deposit account No. 500687.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 12-31 are pending in the application. Basis for new claims 12-21 and 31 can be found in the originally filed application including at original claims 1-11. Basis for new claims 22-25 can be found in the originally filed application, including at page 3, second to last paragraph. Basis for new claims 26-30 can be found in the originally filed application including at page 7, last paragraph and page 8 first paragraph. New claim 12 recites the subject matter of original claim 4. All claim amendments have been made without prejudice and Applicant reserves to the right to pursue the cancelled subject matter in a continuation application. No new matter has been added. No claims have been amended to overcome prior art. The full doctrine of equivalents applies to each claim element.

The rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph, is obviated in part by the amendments to the claims set forth above, and is in part respectfully traversed.

In regards to use of the term "alicyclic," Applicant respectfully submits that "alicyclic" and "heterocyclic" are additive, not mutually exclusive (alicyclic as opposed to aromatic, and heterocyclic as opposed to isocyclic) and while Applicant has literature references to support this position, this part of the rejection is moot in view of the amendments to the claims set forth above.

In regards to the rejection of claim 2, Applicant respectfully submits a skilled person would recognize that the that the term "simultaneously" is not intended to mean both steps a) and b) are simultaneously conducted on the same molecule. Such a narrow interpretation of this term is improper since it would be impossible to restrict the reaction to one molecule and, as pointed out by the Examiner, both steps cannot be conducted on the same molecule at the same time. Such a person is well aware that chemical processes are carried out at macroscopic scale in reactions vessels holding a

very large number of molecules overall so that both reactions of steps a) and b) are taking place in the same reaction vessel at the same time, and thus, simultaneously, on different molecules. The only proper and possible interpretation of the term "simultaneously" is that the steps a) and b) are taking place on different molecules at the same time.

The part of the rejection regarding formula I in claims 1 and 11 is obviated by the amendments to the claims set forth above.

Applicant submits that the claimed invention fully complies with Section 112. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claims 1-3 and 5-10 under 35 U.S.C. § 112, first paragraph, is obviated by the amendments to the claims set forth above. New claim 12 recites the subject matter of claim 4. Applicant respectfully submits that original claim 1-3 and 5-10 fully comply with the enablement requirements of Section 112, first paragraph. Applicant reserves the right to pursue the subject matter of original claims 1-3 and 5-10 in a continuation application. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The Examiner correctly notes that reference to U.S. App'n Ser. No. 12/093,652 is an error, on page 3 of the Office Action. Applicant intended to recite U.S. App'n Ser. No. 12/093,657, as being commonly owned and having at least one common inventor with the present application. Recently filed U.S App'n Ser. No. 12/374,489 is commonly owned and has at least one common inventor with the present application. Applicant request consideration of this information.

The undersigned has now completed a review of all issued patents commonly owned with the present application. The following issued patents have at least one common inventor with the present application:

7,253,320

7,250,508

7,098,362

6,949,641

Full consideration of this information is respectfully requested.

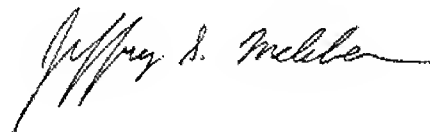
The attached SB08A form lists the documents disclosed and discussed in the originally filed application. Full consideration of this information is respectfully requested.

The objection to the abstract is obviated by the amendment to the abstract set forth above. Accordingly, withdrawal of the objection to the abstract is respectfully requested.

In response to the objection to the specification at page 3, middle of page, Formula III has been amended to be Formula II as set forth above. No new matter has been added. A person of ordinary skill will immediately recognize the reference to Formula III was an obvious error, because in the context of this part of the specification only a reference to the bissylated compound of Formula II could have been intended, as the international Examiner correctly noted in item VIII of the IPER in the parent PCT/EP2004/014646 application. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In view of all of the objections and rejections of record having been addressed, Applicant submits that the application is in condition for allowance and Notice that effect is respectfully requested.

Respectfully submitted,  
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